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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 003134

SIPDIS

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TAGS: [PGOV](#) [KDEM](#) [IZ](#)
SUBJECT: ELECTION LAW UPDATE: KURDS ENGAGE

REF: BAGHDAD 3122

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Classified By: Political Counselor Yuri Kim for Reasons 1.4 (b) and (d)
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[¶1.](#) (C) SUMMARY AND COMMENT: Having been advised by U.S., UNAMI, and Iraqi interlocutors that their foot-dragging on negotiations could diminish their clout with all, the Kurds conveyed late December 2 a formal response to the Sunni-Shia proposal. The Kurds say they are rejecting the proposal as unconstitutional and disproportionately disadvantageous to the Kurds, but agreed to send an empowered negotiator to Baghdad the next day to work toward an agreement. To buy more time for negotiators, Speaker Sammaraie has sent a letter to the Supreme Court asking to extend the review period for the veto. If and when the three sides reach consensus, the Presidency Council will send a letter of clarification to the Council of Representatives (COR) that would memorialize the agreed terms, including the distribution of seats among governorates. END SUMMARY AND COMMENT.

[¶2.](#) (C) The meeting between the Vice Presidents, Deputy PM Issawi and political bloc leaders that had been touted as the forum that would devise a way forward on the election law did not convene today, as the Kurds failed to send a negotiator and Vice President Adel Adbul Mahdi was out of town. The Kurds did, however, issue the official response we had pressed them for yesterday (reftel). Fuad Hussein, Chief of Staff to KRG President Barzani, told PolCouns that in an email this afternoon to DPM Issawi, the Kurds rejected the pending Sunni-Shia proposal on three grounds: (1) inconsistent use of population data to derive seat distribution; (2) objection to provision allowing internally displaced persons (IDPs) to choose whether to vote in current place of residence or the governorate from which they fled (NOTE: This clause was subsequently stricken from the agreement by Issawi and Hadi al-Amiri. END NOTE); and (3) that current negotiations constitute an attempt to amend the November 23 amendment, which the Kurds believe must be vetoed before it is altered.

[¶3.](#) (C) PolCouns stressed to Hussein that now that the Kurds have responded to the proposal, it is imperative that Kurdish leaders send to Baghdad an empowered negotiator to reach a resolution. Husayn countered that the it was up to the Shia and Sunni sides to offer a new proposal, but PolCouns insisted that the Kurds must be proactive, come to Baghdad, and engage their counterparts. Hadi al-Amiri, lead negotiator for the Shia, subsequently told PolCouns that Kurdistan Alliance bloc leader Fuad Masoum had told him he would be coming to Baghdad the following day to negotiate for the Kurds. Amiri said he asked the Kurds to send their technical experts to Baghdad so that experts here could explain the current proposal more thoroughly.

[¶4.](#) (C) Embassy and UNAMI are enlisting Iraqi leaders to pressure Barzani to engage in negotiations and work toward an

expeditious resolution. Charge spoke with ISCI Chairman Ammar al-Hakim, who stated he would speak to both Barzani and KRG PM Barham Salih to point out that they are inadvertently helping Arab hard-liners at the expense of their more moderate allies. Emboff met this morning with President Barzani's son and advisor, Masrur Barzani, to urge the Kurds to engage in negotiations and to caution against sending the election law amendment to the Iraqi Kurdish Parliament (IKP) for debate. UNAMI SRSRG Melkert informed Charge that he will travel to Erbil on December 3 for a meeting with President Barzani to emphasize that the Kurds need to come to the negotiating table, otherwise critical assistance, such as Qnegotiating table, otherwise critical assistance, such as UNAMI's electoral assistance program, may be in jeopardy. UNAMI reported that support for Melkert's mission has swelled among Sunni and Shia leaders.

15. (C) To stretch the timeframe for discussions between the parties, COR Speaker Sammaraie endorsed a plan proposed by UNAMI and sent a letter to Chief Justice Medhat al-Mahmoud requesting that the Federal Supreme Court issue an advisory opinion that would extend the review period for the veto to December 8 by subtracting the five days of the Eid holiday. If supported by the Court, this move would alleviate the pressure on Vice President Hashimi to veto the law before the December 3 deadline. During an evening meeting with PolCouns, Amiri reported that he had spoken with the Chief Justice, who expressed his desire to be helpful and promised to convene a meeting of the Court tomorrow morning. Medhat gave a more cautious response to Emboff, telling him that the decision would be made in accordance with Iraqi law and the constitution.

16. (C) Should the Kurds accept the current proposal, or a close variant thereof, the party blocs plan to meet with the Presidency Council and ask the President and two Vice

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Presidents to send a letter to the COR seeking "clarification" on elements of the November 23 amendment that are currently being negotiated. As envisioned, the COR would respond on December 8, its first day back in session after Eid, with a letter reflecting the result of negotiations, thus memorializing the political consensus that all parties appear to be seeking to reach.

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